

## Article - Public Utilities

[\[Previous\]](#)[\[Next\]](#)

§10–405.

(a) (1) An operator, a transportation network company on behalf of the operator, or a combination of both shall maintain primary motor vehicle insurance, or other security under § 17–103(a)(3) of the Transportation Article, that:

(i) recognizes that the operator is a transportation network operator or otherwise uses a motor vehicle to transport passengers for hire; and

(ii) covers the operator while the operator is providing transportation network services.

(2) (i) The following motor vehicle insurance requirements shall apply while an operator is providing transportation network services:

1. security of at least:

A. for the payment of claims for bodily injury or death arising from an accident, up to \$50,000 for any one person and up to \$100,000 for any two or more persons, in addition to interest and costs; and

B. for the payment of claims for property of others damaged or destroyed in an accident, up to \$25,000, in addition to interest and costs;

2. uninsured motorist insurance coverage required under § 19–509 of the Insurance Article; and

3. personal injury protection coverage required under § 19–505 of the Insurance Article; and

(ii) The coverage requirements under this paragraph may be satisfied by motor vehicle insurance maintained by:

1. an operator;

2. a transportation network company; or

3. both an operator and a transportation network company.

(b) If insurance or other security is provided by both the transportation network company and the operator under subsection (a) of this section, the insurance maintained by the transportation network operator is primary.

(c) The insurance or other security maintained by a transportation network company shall provide the coverage required under subsection (a) of this section from the first dollar of a claim and provide for the duty to defend the claim in the event the insurance maintained by an operator under subsection (a) of this section has coverage that has been canceled or has lapsed or is otherwise not in force.

(d) (1) A transportation network company that procures insurance from an admitted insurer or a nonadmitted insurer shall:

(i) verify that the coverage required under subsection (a) of this section is maintained at all times; and

(ii) provide to the Commission and the Insurance Commissioner, annually upon each renewal:

1. a valid certificate of insurance coverage that meets the requirements of subsection (a) of this section and that:

A. is prepared by the insurer;

B. is signed by an officer of the insurer;

C. is in a form acceptable to the Commission;

D. states the name and home office address of the insurer providing coverage to the transportation network company;

E. states the effective dates of the coverage;

F. states a general description of the coverage; and

G. includes a certification of a policy provision that will notify the Commission and the Insurance Commissioner of any termination of coverage at least 60 days in advance of the effective date of the termination; and

2. the underlying policy for the coverage required under subsection (a) of this section.

(2) (i) The Commission may consult with the Insurance Commissioner concerning the provisions of the underlying policy provided to the

Commission and the Insurance Commissioner under paragraph (1)(ii)2 of this subsection.

(ii) 1. Records provided to the Commission by a transportation network company under this section are not subject to release under the Maryland Public Information Act or any other law.

2. The Commission and the Insurance Commissioner may not disclose records or information provided to the Commission and the Insurance Commissioner under this section to any person unless the disclosure is required by subpoena or court order.

3. If a subpoena or court order requires the Commission or the Insurance Commissioner to disclose information provided to the Commission or the Insurance Commissioner under this section, the Commission or the Insurance Commissioner, as appropriate, promptly shall notify the transportation network company before disclosing the information.

(3) A transportation network company that maintains security under § 17–103 of the Transportation Article shall provide the Commission with evidence of the required security.

(e) Subject to § 17–103(a) of the Transportation Article, insurance required under subsection (a) of this section shall be issued by:

(1) an insurer authorized to do business in the State; or

(2) solely with respect to insurance maintained by a transportation network company, an eligible surplus lines insurer:

(i) in accordance with the requirements of Title 3, Subtitle 3 of the Insurance Article; and

(ii) having an A.M. Best financial strength rating of A– or better.

(f) Before an operator may accept a request for a ride made through the transportation network company's digital network, the transportation network company shall disclose to the operator, in writing, the following:

(1) the insurance coverage, including the types of coverage and the limits for each coverage, that the transportation network company provides while the operator is providing transportation network services;

(2) that the operator should contact the operator's personal motor vehicle insurer or agent to:

(i) advise the insurer or agent that the operator will be providing transportation network services; and

(ii) to determine the coverage, if any, that may be available from the operator's personal motor vehicle policy; and

(3) that, if the motor vehicle that the operator uses to provide transportation network services has a lien against it, using the motor vehicle for transportation network services without physical damage coverage may violate the terms of the contract with the lienholder.

(g) (1) If an accident occurs that involves a motor vehicle that is being used to provide transportation network services, the operator, on request of directly interested parties, including a motor vehicle insurer or an investigative law enforcement officer, shall:

(i) provide proof of insurance satisfying the requirements of this section; and

(ii) disclose whether the accident occurred while the operator was providing transportation network services.

(2) In a claim coverage investigation following a vehicular accident, a transportation network company and any insurer potentially providing coverage under this section shall cooperate to facilitate the exchange of information with directly involved parties and any insurer of an operator, if applicable, including:

(i) the precise times that an operator was logged onto the transportation network company's digital network:

1. in the 12-hour period immediately preceding the accident; and

2. in the 12-hour period immediately following the accident; and

(ii) a clear description of the coverage, exclusions, and limits provided under any motor vehicle insurance maintained under this section.

[\[Previous\]](#)[\[Next\]](#)